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January 4, 2006

VIA HAND DELIVERY

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

INTERVENOR
#1-1060

SO PUBLIC SERVICE
COMMISSION
2006 JAN -4 PM 2:53
RECEIVED

RE: **Docket No. 2005-386-E- Petition of the Office of Regulatory Staff to Establish Dockets to Consider Implementing the Requirements of Section 1251 (Smart Metering) of the Energy Policy Act of 2005- Petition to Intervene Duke Power, a division of Duke Energy Corporation ("Duke")**

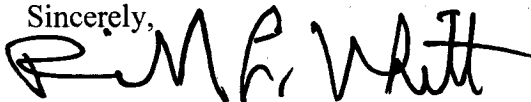
Dear Mr. Terreni:

Enclosed is the original and ten copies of Duke's Petition to Intervene in the above referenced Docket.

All parties of Record have been served with this Petition on even date. If you have any questions or concerns please do not hesitate to contact the undersigned.

With kind regards, we are

Sincerely,



William F. Austin
Richard L. Whitt

RLW/dss

Cc: Nanette Edwards, Esquire
Shannon Bowyer Hudson, Esquire
(both of the South Carolina Office of Regulatory Staff)

RETURNED
OK D. Duke

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-386-E

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SC PUBLIC SERVICE
COMMISSION

IN RE: Petition of the Office of Regulatory)
Staff to Establish Dockets to Consider)
Implementing the Requirements of Section)
1251 (Smart Metering) of the Energy Policy)
Act of 2005)
_____)

PETITION TO INTERVENE

Duke Power, a division of Duke Energy Corporation ("Duke"), pursuant to the Public Service Commission of South Carolina ("Commission") Rules 103-830, 103-836, and other applicable Rules and Statutes, hereby petitions this Commission for an Order allowing Duke to intervene as a Party of Record and participate in the above described docket. Duke shows as follows:

1. Duke is an electric utility, generating, transmitting, distributing, and selling electric power in the state of South Carolina, subject to the jurisdiction of this Commission. Duke is a North Carolina Corporation, domesticated to conduct and conducting business within the state of South Carolina.

2. Attorneys authorized to receive communications and pleadings relevant to this Petition are:

William F. Austin
Richard L. Whitt
AUSTIN, LEWIS & ROGERS, P.A.
Post Office Box 11716
Columbia, South Carolina 29211
(803)251-7443

Lara Simmons Nichols
Associate General Counsel
Lawrence B. Somers
Assistant General Counsel
DUKE POWER, a division of
DUKE ENERGY CORPORATION
Post Office Box 1244, PBO5E
Charlotte, North Carolina 28201
(704) 382-4295

3. The South Carolina Office of Regulatory Staff (“ORS”) filed a Petition with this Commission styled as, “Petition to Establish Docket to Fulfill the State Requirements of the Energy Policy Act of 2005.” (Section 1251 (Smart Metering) of the Energy Policy Act of 2005), on December 12, 2005.

4. Thereafter, this Commission established its Docket Number 2005-386-E, styled as referenced hereinabove.

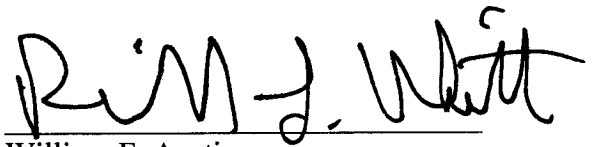
5. Duke’s position is that it has a substantial and material interest in the stated subject matter of the requested proceeding, in that the stated subject matter of ORS’ Petition is directly relevant to Duke’s electric operations in South Carolina. Therefore Duke should be allowed to intervene and participate fully in this Docket and any hearing later scheduled in this matter.

WHEREFORE, Duke requests that:

This Commission inquire into this matter and issue an Order:

- 1) granting Duke's request to be allowed to intervene in this matter and participate fully in the Docket and any hearing to be scheduled in this matter.
- 2) granting Duke all rights attendant to intervenor status.
- 3) such other and further relief as this Commission may deem just and proper.

Respectfully Submitted,



William F. Austin
Richard L. Whitt
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(704) 382-8142

ATTORNEYS FOR PETITIONER
DUKE POWER, A DIVISION OF
DUKE ENERGY CORPORATION

Columbia, South Carolina
Dated: January 4, 2006

CERTIFICATE OF SERVICE

I, Darla Stone, employee of Austin Lewis Rogers, P.A., hereby certify that I caused copies of Duke Power, a division of Duke Energy Corporation's Petition to Intervene to be mailed on this date, to the individuals shown below, at the addresses shown below, with sufficient postage attached:

Nanette Edwards, Esquire
Shannon Bowyer Hudson, Esquire
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, South Carolina 29201

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COMMISSION

This the 4th day of January, 2006.

Austin Lewis and Rogers, P.A.

By: 

Darla S. Stone